

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 2, 2001

**D034449        People v. Lundy**

The judgment is reversed and the cause remanded to the superior court. On Lundy's motion to withdraw his guilty plea within 30 days of the finality of this decision, the superior court is directed to vacate the guilty plea, reinstate all charges and allegations in the information, and proceed in accordance with the views expressed in this opinion. If Lundy does not make a timely withdrawal motion or waives the right to withdraw his plea, the superior court is directed to reinstate the judgment. McDonald, J.;  
We Concur: Huffman, J., McIntyre, J.

**D034702        In re Marriage of Fister**

The appeal and cross-appeal are dismissed. Each party shall bear their own costs.

**D036909        In re Leann T. et al., Juveniles**

The attorney for petitioner David T. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to David T. is dismissed.

**D035333        Distefano v. Forester**

The judgment is affirmed. The parties shall bear their own costs on appeal. CERTIFIED FOR PUBLICATION. Nares, J., We Concur: Benke, Acting P.J., McDonald, J.

**D034514        People v. Melville**

The petition for rehearing is denied.

**D036941        Purcell Group, Inc. v. Insurance Commissioner of the State of California**

Appellant's motion to vacate dismissal and reinstate appeal is granted.

**D036581        In re Diaz on Habeas Corpus**

The petition is denied.

**D036049        In re Thomas S., a Juvenile**

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

**D036139        In re Stephen C. et al., Juveniles**

The orders are affirmed. Nares, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D034770        In re Natalie P., a Juvenile**

The order is affirmed as modified. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D034536        People v. McQuery**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Haller, J.

**D036415        People v. Sarpy**

The judgment is affirmed. Huffman, J.; We Concur: Work, Acting P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 2, 2001 (Continued)

**D037106        Kearney v. San Diego County Superior Court/Ramona Unified School District**  
The petition is denied.

**D036314        In re Hogue on Habeas Corpus**  
The petition is denied.

**D036584        In re Kurbegovich on Habeas Corpus**  
The petition is denied.

**D036398        In re Vong on Habeas Corpus**  
The petition is denied.

**D036168        In re Riddle on Habeas Corpus**  
The petition is denied.

**D036337        In re Henderson on Habeas Corpus**  
The petition is denied.

**D035957        Nevara et al. v. Superior Court of San Diego County/City of San Diego et al.**  
The petition is denied.

**D034268        People v. Green**  
The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D034737        People v. Martinez**  
The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 3, 2001

**D036473        County of San Diego v. Baxter**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).  
The appeal is DISMISSED.

**D035738        In re Adrian S., a Juvenile**

The order is affirmed. Huffman, Acting P.J.; I Concur: Nares, J.; I Respectfully Dissent: McDonald, J.

**D036407        People v. Lopez**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

**D036293        In re Faatiliga on Habeas Corpus**

The petition is denied.

**D035748        Gutterud et al. v. Deveros et al./Murphy**

The appeal of Dimitra Deveros and R & V Management is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 4, 2001

**D036091        In re Abdul Y., a Juvenile**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J.; Nares, J.

**D034408        Advance Checking, Inc. v. ChexSystems Inc.**

The opinion filed December 6, 2000 is modified. There is no change in the judgment. The petition for rehearing is denied.

**D032100        In re the Marriage of Barbara and Michael R. Papenthien**

The petition for rehearing is denied.

**D034109        People v. Quintanilla**

The judgment is reversed and the matter remanded for further proceedings. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D036464        In re Nicholls on Habeas Corpus**

The petition is denied.

**D032496        People v. Parrison**

The judgment is affirmed. Huffman, J.; Benke Acting P.J., Nares, J.

**D035633        In re Danika O. et al., Juveniles**

The orders are affirmed. McIntyre, J., We Concur: Kremer, P.J., Huffman, J.

**D036558        Grant v. Workers' Compensation Appeals Board/City of Visalia**

The petition is denied.

**D036478        People v. Straits**

Affirmed. Haller, J.; We Concur: Kremer, P.J., McDonald, J.

**D037070        Germain v. Superior Court of San Diego County/City of Coronado**

The petition is denied.

**D033353        Chavez v. Becton Dickinson & Company**

The request for publication of the opinion is denied.

**D036840        In re Aurreyana Desarey H., a Juvenile**

The attorneys for petitioner Marcelo E. and Cecilia H. have notified the court on behalf of the petitioners that no Petition for Writ of Mandate under Rule 39.1B will be filed as to either petitioner since there are no viable issues for writ review. The cases are dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 5, 2001

**D036187        People v. Holloway**

Upon filing an abandonment, the appeal is dismissed.

**D036422        People v. Munoz**

We affirm the judgment. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D035049        People v. Morelli**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., McDonald, J.

**D037132        People v. Hinklin**

The appeal in this matter challenges solely the validity of a plea or admission. Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is dismissed.

**D031041        People v. Shamrock Foods Company**

The above-entitled matter has been remitted to this court. It will be placed on the April calendar for the resolution of remaining issues. The court requests the parties file supplemental briefs discussing the present status of the case, the effect of the Supreme Court's opinion on the remaining issues and providing any additional authority or argument on those issues deemed necessary. The briefs should be filed on or before the following dates: appellant's brief January 29, 2001; respondent's brief February 19, 2001; any reply brief by appellant February 28, 2001.